

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

WB MUSIC CORP., et al.,

Plaintiffs,

v.

Case No. 3:19-cv-1245-J-34JBT

CHU FOODS, L.L.C.,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 17; Report) entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on February 28, 2020. In the Report, Judge Toomey recommends that Plaintiffs' Motion for Entry of Final Judgment on Default, Enjoining Infringing Conduct, and Awarding Statutory Damages (Dkt. No. 15; Motion) be granted, that judgment be entered in favor of Plaintiffs in the amount requested, and that a permanent injunction be entered. See Report at 2, 11-12. To date, no objections to the Report have been filed, and the time for doing so has passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994);

United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at \* 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Report and Recommendation (Dkt. No. 17) is **ADOPTED** as the opinion of the Court.
2. Plaintiffs' Motion for Entry of Final Judgment on Default, Enjoining Infringing Conduct, and Awarding Statutory Damages (Dkt. No. 15) is **GRANTED**.
3. The Clerk of the Court is **DIRECTED** to enter judgment in favor of Plaintiffs, WB Music Corp., Almo Music Corporation, Wise Brothers Music, LLC, Eighties Music, and Small Hill Music, c/o Holland & Knight, LLP, 50 North Laura Street, Suite 3900, Jacksonville, FL 32202, and against Defendant, Chu Foods, L.L.C., c/o Lisa K. Pilgrim, Registered Agent, 5150 Belfort Road, Bldg. 400, Jacksonville, FL 32226, in the total amount of \$34,259.98. Post-judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.
4. The Clerk of Court is further directed to enter judgment in favor of Plaintiffs and against Defendant as follows:

Defendant, Chu Foods, L.L.C., is hereby enjoined and restrained permanently, either alone or in concert with others, from publicly performing any and all of the copyrighted musical compositions in the ASCAP

repertory, including those belonging to Plaintiffs, and from causing or permitting such compositions to be publicly performed at any facility owned, operated, or conducted by Defendant, in whole or in part, and from aiding and abetting public performances of such compositions, unless Defendant shall have previously obtained permission to give such performances either directly from the Plaintiffs or the copyright owners whose compositions are being performed or by license from ASCAP.

This Court reserves jurisdiction over the parties hereto and this action to enforce the terms of this permanent injunction through contempt proceedings and/or through any other permissible means.

5. The Clerk of the Court is further directed to terminate any pending motions and close the file.

**DONE AND ORDERED** at Jacksonville, Florida, this 1st day of April, 2020.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record